

State of Indiana State

Knox County Circuit

To Hyacinth Lasselle

I Jonathan Doty Presiding Judge of the first Judicial [sic] circuit Indiana by the authority by Law in me vested do hereby command you to bring before me tomorrow morning at ten oclock at the court house in Vincennes in her proper person Polly a woman of color said to be in **your** custody together with the day and cause of caption and **delention** to hear [sic] abide and do whatsoever the said court shall determine in the premises.

Sworn under my hand at Vincenes [sic]

This 27th day of January in the year

Of our Lord one thousand eight hundred and
twenty

J. Doty

Polly a girl of Colour

vs.

H. Lasselle

Hab corpus

Filed Jan 28th 1820

R. Buntin clk.

462 May Term 1820

In pursuance of the directions of the within writ, I have brought before his honor the Judge the said Polly a woman of color, and also mane return, that I hold her by purchase as my slave, the said Polly being the issue of a colored woman who was purchased from the Indians in the territory north west of the river Ohio, to the Treaty of Grenville [sic], and cession of said Territory to the and who in common with many other colored persons in this state have been recognized as slaves by the compact two governments or the laws of the country.

H. Lasselle

Know all men by these presents that I Joseph Haughman [sic] of Vincinns [sic] Knox County and State of Indiana am held and firmly bound unto Hyacinth Lasselle of the same place in the sum of Two hundred dollars lawful money which sum well and truly to be paid to the said Hyacinth Lasselle his **certain** attorney heirs **executors** administrators or assigns. I bind my self heirs executors and administrators firmly by these presents sealed with my seal this **twelf** [sic] day of May Eighteen hundred and twenty whereas a writ of Habeas corpus issued from the circuit court of Knox County directed to Hyacinth Lasselle requiring him to bring before said court Polly a girl of color and whereas the said court after hearing remanded the said Polly a girl of color into the custody of the said Hyacinth. And whereas the said Polly has prayed an appeal from the said Judgemint [sic] of said court in remanding her the said Polly into the custody of the said Hyacinth Lasselle.

Now therefore the condition of this obligation is such that if the said Polly shall dully prosecute her said appeal to a final determination and Judgment in in the Supreme court of said State of Indiana and pay all costs which may be adjudged against her the said Polly in the said Supreme court by reason of said appeal and abide the order of said court then this obligation to be void otherwise to remain in full force.

Signed and sealed the day and date above written

Joseph his X mark Hoffman

Teste

J. Doty

H. Ruble

Polly a girl of colour

vs.

H. Lasselle

hab. corp.

Appeal Bond

filed

May 12th 1820

Polly a girl of colour said to be unlawfully held in custody by Hyacinth Lasselle, was brought up on a writ of Habeas corpus. The said Hyacinth returning that he held her as his slave by purchase, – Francois otherwise called Mulee a man of colour was also brought up on similar [redacted] claimed by the widow Tisdale, both cases assuming the same aspect, and involving the same question – after some argument by counsel it was agreed on both sides that the two cases should be submitted to and decided by the court upon the following facts to wit 1st that the mothers of both the aforesaid applicants were living in the Territory North West of the Ohio previous to the cession of the [redacted] by Virginia to the United States and then and there held as slaves as they might be said Territory there composing a part of the state of Virginia 2d That the said applicants were both born since the said [redacted] of Virginia and since the passage of the Ordinance of Congress for the government of the said [redacted] N.W. of the Ohio, 3 That the mothers of the said applicants were never liberated or emancipated unless that was effected by the passage of

of the sixth article of the Ordinance of Congress before adhered [sic] to, upon which facts the following questions will arise, first whether the mothers of the aforesaid applicants were liberated by the passage of the sixth article of the Ordinance of Congress which prohibits slavery and involuntary servitude in the Territory N.W. of the Ohio. 2d If not whether their offspring were born free in consequence of the said Ordinance, notwithstanding these mothers at the time were in a state of absolute slavery — First then there can be no doubt if there was it is admitted, that slavery existed in this date (then territory) previous to cession of Virginia before referred to – as it there **then** a part of that state in which slavery is and was tolerated and in which slaves or persons of colour by law are and were **justly** recognized as the property of their masters —

It then follows that here at that period persons of colour were by the laws of the land recognized as property, of which species of property it is admitted were the mothers of the present applicants, was then the claim of their owners destroyed by the sixth article of the Ordinance of Congress which prohibits slavery or involuntary servitude in the

said Territory ceded by Virginia and of which this state composed a part. The court is of opinion that it does not, it was a claim existing vested legally existing and guaranteed by the laws of Virginia, that it required the act and consent of the proprietor to destroy it, and without such consent it remained valid.

Therefore the Ordinance of Congress could not nor cannot effect a claim which legally existed previous to its passage so as to destroy it, for that would be not only contrary to the spirit of all our laws but would be in open violation of the constitution of the United States which makes private property inviolable. If then the mother was a slave previous to the passage of the Ordinance of congress which is admitted, and as it decided by the court that she could be legally held as such after the passage of said ordinance, the next question is whether the child inherits the fate of its mother, and becomes the property of the person whose slave such mother may be. In all the states where slavery is tolerated and people of colour held as property this is undeniably the fact, they

Are considered as absolutely and entirely the property of the master as much so as any other species of property whatever, which entitles them to the benefit of [words crossed out?] not only of the mother but the offspring. Then if this is the case in slave states I know of no reason why it should not be the case here, for as far as it regards the situation of the mothers of the present applicants this is now a slave state, for if the opinion of the court as expressed on the first point be correct then persons of colour circumstanced as the mothers of the present applicants are or were, may be at this time in this state held in absolute slavery, the claim then which the owners of the mothers of the present applicants had while this state composed a part of Virginia clearly extended at that time not only to the services of the mothers themselves but to all their children born while they were in such state of Bondage. If then the present applicants had been born previous to the cession of Virginia they would certainly be slaves because the court has decided the Ordinance of congress cannot effect [sic] such. But the claim which was vested in the

in the owners of the mothers of the present applicants. If it could not be destroyed by the Ordinance of Congress it could not be altered or diminished by it, and as it clearly extended at one time to the offspring it must even have the same force validity and extent, unless the proprietors consent to **the contrary** be obtained, the court therefore are clearly of opinion that the present applicant were born slaves, that the present claimants can hold them as such. It is therefore ordered by the court that the said Polly be restored to the said Hyacinth Lasselle her master, and that the said Francois alias Mulee be restorde [sic] to the said Frances **Tisdale** his mistress.

Polly a woman of color

Vs.

Hyacinth Lasselle

Habeas Corpus

The defendant maketh oath that he can not with safety go to trial in the above cause at this term, for the want of testimony material and proper (as he is informed and verily believes) that the said testimony can be procured at or in the vicinity of fort Wayne & Detroit the distance of which place precluded the practicability of obtaining it by this term. He therefore prays a continuance of the cause.

Sworn to in open Court

This the 12th February 1820

R. Buntin clerk

Afft. for cont.

State of Indiana

Knox county

I Hyacinth Lasselle do acknowlege [sic] myself indebted to the state of Indiana in the sum of five hundred dollars to be levied of my goods and chattel, land, & tenements if default be made in the following condition which that I shall hand the body of Polly a girl of colour now in my possession, of the court house in Vincennes at the next term of the circuit court for the county of Knox that she may be then and there disposed of as the said court shall adjudge and determine

H. Lasselle

Suscribed and acknowleged [sic] before me this 28th day of Jany 1820

J. Doty Pres.

Judge 1st Jud. cirt.

H. Lasselle

vs.

State of Indiana

Reconizance [sic]